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Sixty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1866th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 27 July 2000, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1866/Add.1.

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The meeting was called to order at 3.10 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Dates for the consideration of periodic reports (continued)

1. The CHAIRPERSON invited the Committee to select the countries whose reports would be considered by the Working Group on Article 40 at the seventieth session in October 2000, prior to consideration by the full Committee in New York in March 2001.

2. Ms. CHANET said that, as she recalled, the Committee had already adopted the list of countries at its previous session in New York. The list comprised: Croatia, Guatemala, Netherlands/Netherlands Antilles, Syrian Arab Republic, Venezuela and Yugoslavia.

3. Replying to a question by Mr. KLEIN, Ms. MORALES (Office of the High Commissioner for Human Rights) explained that the Netherlands had submitted a report some time before, but had subsequently withdrawn the part relating to the Netherlands itself, leaving only the part relating to the Netherlands Antilles. An updated report for the Netherlands had now been received, but owing to technical problems, the report would not be available for discussion by the Working Group in October.

4. Ms. EVATT, Vice-Chairperson, said that the Bureau had had problems when considering the list of countries because the documentation before it had been incomplete.

5. Replying to a question by Mr. KRETZMER, the CHAIRPERSON said that the reports in question were the initial report of Croatia, the second periodic reports of Guatemala and the Syrian Arab Republic, the third periodic report of Venezuela and the fourth periodic report of Yugoslavia. Since the report of Netherlands/Netherlands Antilles was not yet available, the Committee might consider substituting the Dominican Republic, which had submitted a combined third and fourth report. However, members might feel that six country reports were too many, and that one should be dropped from the list.

6. Mr. KRETZMER said that the Croatia report should not be dropped, since it was the only initial report on the list, and the Committee generally liked to consider both initial and periodic reports at every session.

7. Ms. CHANET said that it would certainly not be diplomatic to discard Croatia from the list, while retaining Yugoslavia.

8. Mr. SCHEININ pointed out that the Committee needed to decide when to consider three further reports: the second periodic report of Azerbaijan, which it had been due to examine at the current session, the initial report of Honduras and the second periodic report of Switzerland, which had both been submitted in 1998.

9. The CHAIRPERSON said that, in suggesting the list of reports for consideration by the Committee, the Bureau was guided by the date when the report had been due, rather than when it

had actually been received. The Bureau intended to propose the reports of Azerbaijan, Switzerland and the United Kingdom for discussion by the Working Group at the seventy-second session in July 2001. She did not know the current position regarding Honduras.

10. Following a suggestion by Ms. GAITAN DE POMBO, Mr. WIERUSZEWSKI suggested that consideration of the report of Guatemala should be deferred by one session, i.e. it would be taken up by the Working Group in March 2001 and by the Committee in July 2001.

11. The CHAIRPERSON, summing up, suggested that the Working Group should discuss the reports of the following countries at the seventieth session: Croatia, Dominican Republic, Syrian Arab Republic, Venezuela and Yugoslavia.

12. It was so decided.

13. The CHAIRPERSON invited the Committee to finalize the list of countries whose reports would be discussed by the Working Group at the seventy-first session in March 2001, for consideration by the Committee in July 2001. The list comprised: Czech Republic, Democratic People's Republic of Korea, Netherlands/Netherlands Antilles, Monaco and, further to the earlier suggestion, Guatemala.

14. Mr. SCHEININ said that, since the Netherlands/Netherlands Antilles report would in fact be two reports, requiring two days for consideration, two lists of issues and two sets of concluding observations, it might be advisable to drop one of the other countries.

15. The CHAIRPERSON suggested that Monaco should be dropped from the list.

16. It was so decided.

Appointment of focal points for liaison with other human rights bodies

17. The CHAIRPERSON announced a decision taken at the closed meeting that morning, whereby two members had been appointed to liaise with other human rights bodies: Mr. Zakhia as the focal point for the right to development, and Ms. Chanet as the focal point for the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Proposed visit to the Hong Kong Special Administrative Region

18. The CHAIRPERSON recalled that the Government of the People's Republic of China had invited her and one other person to visit the Hong Kong Special Administrative Region in February 2001. Unfortunately, she would be unable to make the visit at that time, owing to other commitments.

19. Mr. KRETZMER, supported by Mr. KLEIN, Mr. WIERUSZEWSKI and Mr. AMOR, said that, as the invitation had been a personal one addressed to the Chairperson, she should decide which members should make the visit. It was not a matter for the Committee to decide.

Action taken in respect of resolutions of the Commission on Human Rights

20. Lord COLVILLE said that, at its fifty-sixth session, the Commission on Human Rights had adopted four resolutions with implications for the Committee. The first was resolution 2000/35, concerning the open-ended working group to establish a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ms. Chanet had been appointed as the Committee's focal point for liaison with the working group.

21. The second was resolution 2000/51, which called upon the treaty bodies to monitor the compliance of States with their commitments related to the rights of disabled persons. The Committee had put appropriate oral questions in respect of two States parties at the current session.

22. In resolution 2000/52, the Commission invited the treaty bodies to contribute in writing to the activities of its Working Group on Minorities. A seminar for international and regional organizations, treaty bodies and specialized agencies had been proposed. However, the Commission did not say how those activities were to be financed, and he was therefore not sure whether the Committee would be able to do anything to comply with the Commission's request.

23. Lastly, there was resolution 2000/75, dealing with the meetings of chairpersons of human rights treaty bodies. Paragraph 8 laid out a list of issues which the treaty bodies were asked to keep in mind, including ways of reducing the burden of reporting on States parties and avoiding duplication in reporting. He felt that the Committee was already addressing those issues satisfactorily.

24. Mr. LALLAH said that the best way to cooperate with the Commission would be for the Committee secretariat to provide the Commission secretariat with the Committee's concluding observations and general comments.

Appeal by an indigenous group in Viet Nam

25. The CHAIRPERSON said that she and Mr. Bhagwati had had a meeting that morning with representatives of a certain indigenous group in Viet Nam. The representatives had said that their people were being persecuted by the Viet Nam authorities and had appealed for the Committee's help.

26. Mr. SCHEININ suggested that the Committee might either send a reminder asking for Viet Nam's second, third and fourth periodic reports (due in 1991, 1993 and 1998, respectively), or request a special report on the situation of the indigenous group in question.

27. Mr. KLEIN said that it would be strange to give the State party a choice between submitting its periodic report, which it was obliged to do under the Covenant anyway, and preparing a special report.

28. Mr. BHAGWATI said that the situation of the group in question appeared to warrant a special report.

29. Mr. AMOR asked whether there was any legal basis for requesting a special report.

30. Mr. SOLARI YRIGOYEN said he favoured an ordinary report from Viet Nam, in view of the time which had elapsed since the previous one. He would like the Chairperson to request such a report from the State party on the Committee's behalf.

31. The CHAIRPERSON said support had been expressed for a number of alternatives: a written request for a regular report, an oral request for a regular report made during a visit or a meeting with a Vietnamese delegation, a special report, or a special report combined with an ordinary report.

32. Ms. CHANET said that the case of Nigeria might provide a useful precedent. On receiving information about executions of members of the Ogoni ethnic group, the Committee had urgently requested the State party's long-overdue initial report, placing particular emphasis on information relating to specific articles of the Covenant. The Committee could adopt the same course of action in the current situation. Article 27 of the Covenant on indigenous populations would certainly apply, and members would doubtless think of others on examining the case further.

33. Ms. EVATT supported that idea. The best approach would be to inform the State party, through a personal meeting with representatives if time permitted, that the Committee wished to receive a report which addressed specific concerns relating to the information the Committee had been given.

34. The CHAIRPERSON said she would follow such a procedure if the Committee so decided.

35. Mr. KRETZMER said he supported that approach.

36. Mr. AMOR said it would not be appropriate to focus on a single aspect of the situation in Viet Nam simply because one particular group had had the good fortune to approach the Committee in person. The proper course of action would be to request the State party to submit a regular report as soon as possible, addressing the Committee's many concerns in relation to the Covenant. The people in question were not alone: others had suffered in silence for over two decades.

37. Ms. GAITAN DE POMBO said the Nigerian precedent was helpful. She supported Mr. Kretzmer's proposal immediately to set a date for submission of the State party's report, and did not consider that should in any way prevent a meeting between the Chairperson and representatives of the State party in October.

38. Mr. BHAGWATI said that the suffering of other indigenous groups all over the world was of lesser relevance in the present case. The fact was that the Committee had been presented with direct evidence of the gradual extermination of an indigenous people, including mass sterilization of women. The Committee had a duty to do what it could as soon as possible, without standing on procedure, before it was too late.

39. Mr. LALLAH said he fully supported those comments, and did not see why any other group should not also approach the Committee in similar fashion. On a general note, he suggested that, at its October session, the Committee should list the States parties whose reports were overdue, and assign to individual members the task of contacting State party representatives to express the Committee's concern in person. Finally, he would like to know if the group under discussion had attempted to avail itself of the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII).

40. The CHAIRPERSON said the group had stated that it had made an approach to the United Nations.

41. Mr. AMOR asked how the information had been brought to the Committee's attention.

42. The CHAIRPERSON said she and Mr. Bhagwati had met the group in person that morning and had promised to consider their appeal for help, assuring them that full confidentiality would be maintained. She proposed that she should meet representatives of the Vietnamese mission in October, and that a letter should be sent immediately to the State party requesting a report that placed emphasis on at least articles 6 and 27; other articles could be added in the light of further consideration by the Committee in the very near future. The State party would be made aware that the Committee wished to examine its report during the October session.

43. Ms. CHANET said she endorsed Mr. Bhagwati's comments. With regard to some of the concerns expressed about the best procedure to adopt with Viet Nam, she said that the discussion that the Committee was about to have on the report of the working group dealing with procedural matters was likely to prove helpful.

44. Mr. KRETZMER said it was vital for the Committee to set a specific date for submission of Viet Nam's report.

45. The CHAIRPERSON said that would be done.

46. The Committee approved the procedure outlined by the Chairperson.

Progress report by the working group dealing with procedural matters

47. Mr. KLEIN said the Committee had before it a document produced by the working group which outlined procedures for dealing with two matters of pressing concern identified by the Committee during its March session, namely action on overdue State party reports and follow-up to the Committee's concluding observations. The working group did not envisage a final agreement being reached during the current session, but hoped that the Committee would be able to conclude its deliberations on those two issues during the October session.

48. Emphasizing the preliminary nature of the group's report, he said that the first part contained four sections concerned with State reports. Section (A) outlined a procedure for dealing with situations in which a State party's report was over 10 years late, no initial or requisite periodic report having been submitted; section (B) concerned overdue reports which

either covered periods ending some years in the past or brought the situation up to date; section (C) concerned a State party's repeated cancellation of its appearance before the Committee shortly before or during the session at which its report was scheduled for consideration; and section (D) outlined a follow-up procedure to the Committee's concluding observations.

49. The CHAIRPERSON invited members to comment on section (A) only, in view of the limited time available.

50. Ms. EVATT said that the situation the Committee had just been discussing with respect to Viet Nam, the long list of countries whose reports were at least 10 years overdue, and the fact that such failure to report created unfairness both in respect of individual populations and between reporting and non-reporting countries, were all factors highlighting the importance of keeping States parties aware of all the relevant material being considered by the Committee, and of providing them with adequate opportunity to come before the Committee to discuss the relevant issues. Without entering into detailed discussion of the text for the moment, she supported the whole thrust of the working group's efforts to devise a clear procedure. The most important consideration was that the Committee should take no steps without the State party having the opportunity to respond.

51. Mr. SCHEININ also expressed his support for section (A). He would like its final sentence to state specifically that the States concerned would be named in the annual report, the current wording only implied that.

52. Mr. ANDO, referring to the third step in the procedure, asked what methods the Committee would use to inform international organizations and non-governmental organizations of its decision to consider a State party's compliance.

53. Mr. KLEIN said it was envisaged that the existing procedures, including announcements on the Internet, would allow States parties sufficient time to react.

54. Mr. KRETZMER said it was not clear what would happen if the State party ignored the procedure outlined in section (A). It was important to ensure that all stages of the procedure were fully transparent in such cases. As to the wording of section (A), which he fully supported, he suggested that it should reflect more closely the wording of the Covenant. Thus, rather than saying that the Committee would consider a State party's compliance, it should clearly indicate that the Committee intended to consider the report of the State party concerned by a certain date in accordance with article 40 of the Covenant.

55. Mr. LALLAH, referring to Mr. Kretzmer's concern about transparency, said that the best way to bring the procedure, if adopted, to the attention of States parties would be to amend the Committee's rules of procedure in relation to article 40. It was vital to ensure full transparency in the procedures for assuring compliance.

56. Lord COLVILLE said that the working group had certainly envisaged such an amendment to the rules of procedure. It had not wished to proceed further without obtaining the

Committee's acceptance of the procedure in principle. Judging by the Committee's comments, that stage had been reached. As to what happened if a State party ignored the procedure, that would have to be decided in the light of experience.

57. Mr. KLEIN said that Mr. Kretzmer's proposal would improve the draft. Turning to the issue of a State party's refusal to accept the procedure, he recalled that during the March session and at meetings of the working group, the proposal had been made that the Committee might discuss the situation in a State party without having received a report. The document before the Committee represented the first step in a more gradualist approach.

58. The CHAIRPERSON thanked the working group for its efforts and said that the discussion would continue at the Committee's October session.

The public part of the meeting rose at 4.20 p.m.